

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSHUA MICHAEL GODFREY

Petitioner,

v.

UNKNOWN,

Respondent.

Case No. 20-03617 BLF (PR)

**ORDER DENYING MOTION TO
CORRECT; GRANTING MOTION
FOR REINSTATEMENT AND
REOPENING THIS ACTION;
DIRECTING PETITIONER TO PAY
FEE OR FILE COMPLETE *IN
FORMA PAUPERIS* APPLICATION**

(Docket Nos. 10, 11)

On June 1, 2020, Petitioner, a California state prisoner, filed a petition for a writ of habeas corpus in this Court.¹ Dkt. No. 1. On July 21, 2020, the Court dismissed this case for Petitioner's failure to file a complete *in forma pauperis* application or pay the \$5.00 filing fee in the time provided. Dkt. Nos. 7, 8.

On August 13, 2020, Petitioner filed a "motion to correct," requesting that the \$3.00 that was withdrawn from his trust account for Case No. 20-CV-1381 BLF be applied to this case instead. Dkt. Nos. 10, 10-1. The Court's finance office has conducted a search and found no record that a payment for \$3.00 was received from Petitioner and processed by the Court. Petitioner is advised that he must provide proof of payment, e.g., a copy of the front and back of the prisoner check was that sent to the Court, in order to have any

¹ The matter was reassigned to this Court after Petitioner failed to file consent to magistrate judge jurisdiction. Dkt. No. 5.

credit applied to this matter.

Petitioner has also filed a motion for reinstatement, asserting that he never received notification that he needed to file an IFP application in this matter before the matter was dismissed. Dkt. No. 11. Good cause appearing, the motion is GRANTED. The judgment entered on July 21, 2020, is hereby VACATED. Dkt. No. 8. The Clerk shall reopen this matter.


Within **twenty-eight (28) days** from the date this order is filed, Petitioner shall either pay the filing fee or file a complete IFP application in order to proceed with this matter. In the alternative, he may file proof of payment of the \$3.00 to the Court in the same time provided, but he must also pay the remaining \$2.00 balance to cover the full \$5.00 filing fee.

The Clerk shall enclose a copy of the Court's IFP application with a copy of this order to Petitioner.

This order terminates Docket Nos. 10 and 11.

IT IS SO ORDERED.

Dated: September 22, 2020


BETH LABSON FREEMAN
United States District Judge